

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

United States of America,)
Plaintiff,) Criminal No. 2:05-cr-149
vs.) and
Dallas Wayne Thundershield) Criminal No. 2:02-cr-62
Defendant.)

ORDER ADOPTING REPORT AND RECOMMENDATION

On March 18, 2008, the supervising probation officer filed a petition alleging a violation of supervised release (doc. #31).¹ A hearing on the petition was held before the Honorable Alice R. Senechal, Magistrate Judge, on October 3, 2008 (doc. #44). At the hearing, Thundershield admitted to the violations charged in the petition. The only difference between the parties is whether he should be sentenced to a term of one year, or a term of one year plus one day.

Before the Court is a Report and Recommendation from the Magistrate Judge, recommending this Court find the Defendant violated conditions of his supervised release (doc. #45). The Magistrate Judge further recommends that supervised released be revoked and that Thundershield be ordered to serve one year in custody. Each party indicated it had no objection to the Report

¹ All docket citations contained in this order are to the 2005 case, Criminal No. 2:05-cr-149.

and Recommendation. Upon review of these items and the entire file, the Court finds the Magistrate Judge's Recommendations correct and hereby adopts the Report and Recommendation. The Court thus **FINDS** that a violation of supervised release has occurred as alleged in the petition.

Based upon the Magistrate Judge's Recommendations, **IT IS ORDERED** that the Defendant's supervised release is revoked and that the Defendant be incarcerated for a term of twelve (12) months. The Court **RECOMMENDS** to the Bureau of Prisons that the Defendant be designated to the Lake Region Law Enforcement Center to be near his family. At the completion of this term of incarceration, no term of supervised release is ordered. The unpaid restitution from the original sentence remains in effect.

IT IS SO ORDERED.

Dated this 16th day of October, 2008.


RODNEY S. WEBB District Judge
United States District Court